REMARKS

Attorney for Applicants has carefully reviewed the outstanding Office Action on the above-identified application. Applicants submit that the application, as amended herein, is in condition for allowance.

As required by the Office Action (page 2), Applicant affirms the election of the species of Claim 12, Octyldodecyl PPG-3 Myristyl Ether Dilinoleate.

The Office Action, in asserting the 35 U.S.C §112 rejection has focused on an obvious typographical error. Applicants have amended the formula for *Octyldodecyl PPG-3 Myristyl Ether Dilinoleate* shown in Specification at page 7, at lines 13-16 by deleting in the second parenthetical group the first *CH* substituent (**Exhibit A**). It is clearly evident from the text of the application that this was a typographical error. The amended formula is clearly supported by the original text in numerous places, for example, the term *PPG* , the formula for the precursor substituent *PPG-3 myristyl ether* (page 7, lines 8-12) and the genus structure used throughout the specification (page 4, line 25; page 10, lines 10-14), i.e., it is clearly a propoxyl substituent.

The Office Action rejects claim 12 under 35 U.S.C. §103 as being unpatentable over U.S. patent No. 6,476,254 to **Pereira et al.** Applicant respectfully traverses this rejection.

Applicant draws the Examiner's attention to the corresponding PCT application that was filed in the US Receiving Office, i.e., **PCT/US03/39038**. The Preliminary Examination Report and Search Report (**Exhibit B**) issued in this PCT application cited ***Lucas*** (USP 5,928,631), ***Fogel*** (USP 5,116,604) and ***Reich*** (USP 4,830,768) and reached the conclusion that the claims were patentable, i.e., *...meet the criteria under the PCT Articles...* The primary reference cited in the Office Action for this US application is ***Pereira***. Although this reference was available to the PCT Examiner (cited in Applicant's specification at page 3), a different conclusion was reached based on different references. The differences in opinion stem from the fact that the Examiner herein misunderstands the chemical structure of the claimed compounds and/or the ***Pereira*** compounds.

The Office Action references general ester Formula IV and fatty alcohol Formula II of ***Pereira*** and quotes Column 3, lines 50-60. The Office Action rejects Claim 12 as obvious over ***Pereira*** asserting that ***Pereira*** teaches the elements of the claimed invention with sufficient guidance, particularity, and with reasonable expectation of success, that the invention would be prima facie obvious to one of ordinary skill, i.e., the prior art reference teaches or suggests all the claim limitations with a reasonable expectation of success.

Initially, ***Pereira*** states *"....B is 0 to 10...."* (Col.2, line 43). Although not stated, this is obviously the carbon chain length *"...which may be saturated or unsaturated, substituted or unsubstituted..."*. Applicants' Claim 12 structure, which is now being examined, the equivalent substituent (R_2 in Applicant's generic formula) has 34 carbon atoms. ***Pereira*** does not teach or suggest such a long chain carbon substituent between the fatty alcohols, i.e., the diacid substituent. In fact, the only compounds specifically referenced by ***Pereira*** have a B equal to 4, thus teaching away from Applicant's 34 carbon atom substituent, i.e., the dilinoleic acid.

More importantly, Applicant's claimed compounds are the product of a propoxylated fatty alcohol (specifically in Claim 12 PPG-3 myristyl ether) and a monohydric fatty alcohol, (specifically in Claim 12 octyldodecanol) with a dicarboxylic acid (specifically in Claim 12 dilinoleic acid). In effect, this produces what may be termed an **"unsymmetrical"** compound, i.e., there is a **propoxylated** substituent on one end of the diacid substituent and an **aliphatic** substituent on the other end of the diacid substituent. On the other hand, ***Pereira*** as depicted in Formula IV, is **"symmetrical."** If there is a propoxylated substituent on one end of the diacid substituent **there must be** a propoxylated substituent on the other end of the diacid substituent, i.e., **y** is at least one. Likewise, if there is no propoxylated substituent on one end of the diacid substituent **there must be no** propoxylated substituent on the other end of the diacid substituent, i.e., **y** is 0. The only "unsymmetrical" aspect of the disclosed compounds recognized by ***Pereira*** are the **R1** and **R2** substituents which *"...may be the same or different...* (Col. 2, line 44; see also Col.4, lines 6-8). In effect, there is no teaching or suggestion in ***Pereira*** that there can be a propoxylated substituent on one end of the diacid substituent and none on the other end.

Additionally, assuming that the ***Pereira*** compounds taught an "unsymmetrical" compound, i.e., a propoxylated substituent on one end of the diacid substituent and none on the other end, the compounds would require at least 2 ethoxyl groups: *"...if y is 0, x is at least 2..."* (Col. 2, line48). Applicant's claimed compounds clearly exclude ethoxyl substituents.

The aforedescribed structural differences between Applicant's claimed compounds and ***Pereira*** are very substantial, making Applicant's compounds unobvious in view of ***Pereira***.

All issues raised in the Office Action are believed to have been addressed. Reexamination is requested and favorable action solicited.

Additionally, pursuant to MPEP § 601.05 and 37 C.F.R. § 1.76, Applicants submit herewith an Application Data Sheet to set forth the mailing addresses of the inventors.

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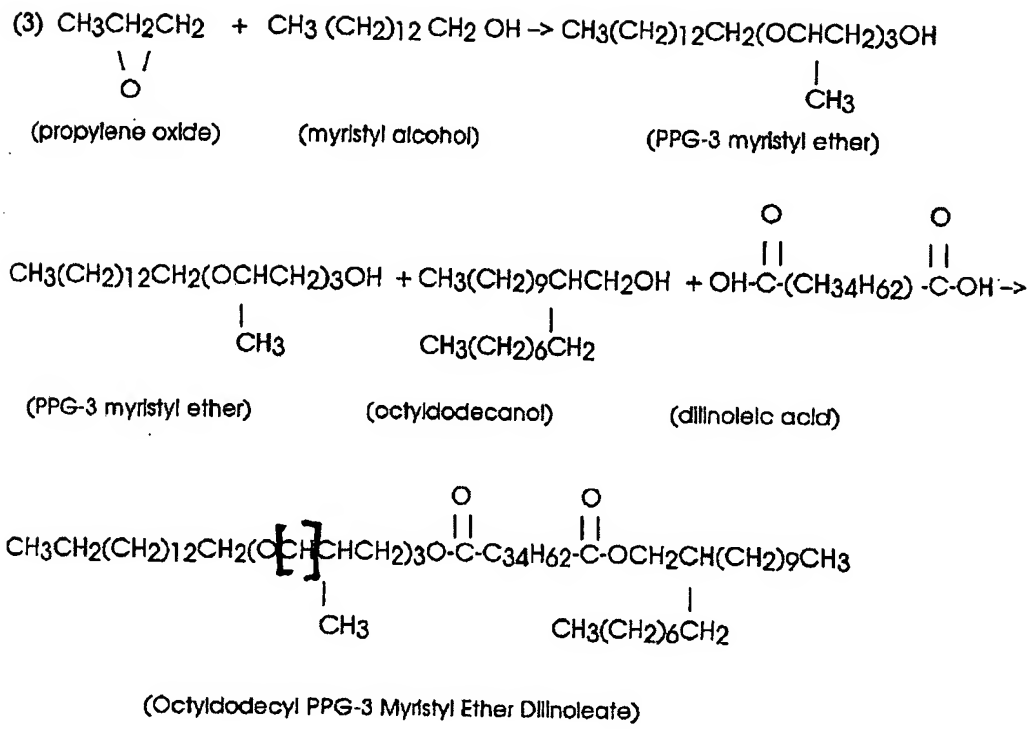
EXHIBIT A



Preparation of Octyldodecyl PPG-3 Myristyl Ether Dilinoleate

3 moles (642 grams) of Myristyl Alcohol were charged to an autoclave, and 0.1% of Potassium Hydroxide was added as a catalyst. The autoclave was purged with Nitrogen and 9 moles (522 grams) of Propylene Oxide were added at a temperature of 150–160°C and a pressure of 30–40 psi. At the completion of the addition reaction, the batch was cooled to 80°C and neutralized with Phosphoric Acid. The resultant 1,164 grams of product, PPG-3 Myristyl Ether, a pale yellow liquid, was charged to a four-neck flask.

Three (3) moles (900 grams) of Octyldodecanol and Dilinoleic Acid were charged to the flask, along with a catalytic amount of methanesulfonic acid. The reaction mixture was heated with agitation to 150°C under 28" Hg of vacuum until an acid value of less than 5 mg KOH was obtained.